

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

Electronically Filed

ELIZABETH JINES)	
)	
)	
PLAINTIFF)	
v.)	CASE NO. 4:20-cv-244
)	
)	
D&G, INC. and JACKIE W. MELTON)	
)	
)	
DEFENDANTS)	

NOTICE OF REMOVAL

Defendants D&G, Inc. and Jackie W. Melton, by counsel, for their Notice of Removal of this action from the Jefferson County Circuit Court, Jefferson County, Indiana, to this Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, respectfully states as follows:

1. On November 20, 2020, Plaintiff filed an action against Defendants, which is currently pending in the Jefferson County Circuit Court, Civil Action No. 39C01-2011-CT-00847. D&G, Inc. and Mr. Melton were served with process on November 25, 2020.

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 (a) and (c) because there is diversity of citizenship between the parties and the total amount in controversy exceeds the jurisdictional minimum of \$75,000, though Defendants deny liability to Plaintiff for damages in any amount.

3. Plaintiff is a citizen of Indiana.

4. Defendant Jackie Melton is a citizen of Kentucky.

5. Pursuant to 28 U.S.C. § 1332(c)(1), a corporation shall be deemed a citizen of its state of incorporation and the state where it has its principal place of business. Defendant D&G, Inc. is a Kentucky corporation with its principal place of business in Henderson, Kentucky. D&G, Inc. is therefore a citizen of Kentucky.

6. This case arises from a November 15, 2020 motor vehicle collision in Madison, Jefferson County, Indiana, between Plaintiff and a tractor-trailer driven by Defendant Jackie Melton. In the Complaint, Plaintiff seeks unspecified damages for past and future personal injuries.

7. By email correspondence dated December 2, 2020, counsel for Plaintiff first confirmed that her claimed damages against Defendants in this case exceed \$75,000, exclusive of interest and costs. The relevant email correspondence is attached as Exhibit A.

8. When removability is not readily apparent from the initial pleading a notice of removal must be filed within thirty (30) days after receipt of a “copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case ... has become removable.” 28 U.S.C. § 1446(b)(3). This Notice of Removal is being filed on December 4, 2020, within thirty (30) days of service of process on Defendants and Defendants’ receipt of Plaintiff’s December 2, 2020 email correspondence from which Defendants first ascertained that Plaintiff’s alleged damages exceed \$75,000, exclusive of fees and costs.

9. A copy of all process, pleadings and orders served as of the date of the filing of this Notice of Removal are attached hereto as Exhibit B.

10. Written notice of the filing of this Notice of Removal, the exhibits thereto, the Notice and Certificate were mailed to Plaintiff’s counsel today.

11. True and correct copies of the pleadings enumerated will be filed with the Clerk of the Jefferson County Circuit Court.

WHEREFORE, Defendants D&G, Inc. and Jackie W. Melton respectfully request the removal of this action from the Jefferson County Circuit Court to this Court for all other appropriate procedures.

Respectfully submitted,

/s/ Emily C. Lamb

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Counsel for Defendants

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Notice of Removal was sent to the following via U.S. mail, postage prepaid, on this 4th day of December, 2020:

Kaitlin Coons Astorino
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Counsel for Plaintiff

/s/ Emily C. Lamb

Counsel for Defendants